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 BRYAN H. HECKENLIVELY
 LAURA WIRTH

560 MISSION STREET
 SAN FRANCISCO, CALIFORNIA 94105-2907
 TELEPHONE (415) 512-4000
 FACSIMILE (415) 512-4077
 355 SOUTH GRAND AVENUE
 THIRTY-FIFTH FLOOR
 LOS ANGELES, CALIFORNIA 90071-1560
 TELEPHONE (213) 683-9100
 FACSIMILE (213) 687-3702

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 BRADLEY E. MARKANO
 OF COUNSEL
 ROBERT K. JOHNSON*
 ALAN V. FRIEDMAN*
 MARK H. KIM
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 BRAD SCHNEIDER
 ERIC P. TUTTLE
 PETER E. GRATZINGER
 E. LEROY TOLLES
 (1922-2008)

May 9, 2016

*A PROFESSIONAL CORPORATION

VIA ECF

The Honorable Joan M. Azrack
 United States District Court
 Eastern District of New York
 100 Federal Plaza, Courtroom 920
 Central Islip, New York 11722

Re: *Hartley et al. v. Wells Fargo & Company et al.*, Case No. 2:14-cv-05169

Dear Judge Azrack:

We represent the Defendants in the above-referenced matter, and we are respectfully submitting this letter with the consent of counsel for Plaintiffs, Christopher Davis, Esq.

On September 21, 2015, the parties submitted their motion for preliminary approval of the class and collection action settlement reached in this matter. The Court has not yet heard or ruled on this motion.

On March 9, 2106, the parties submitted a letter stating that to the extent that the Court may have been awaiting the resolution of the motion for conditional certification of a collective action filed in the *Tsyn* matter before addressing the pending motion for preliminary approval of the class and collection action settlement reached in this matter, that motion was resolved. Specifically, Defendants respectfully reported that the court in the *Tsyn* matter has granted a motion for partial summary judgment with respect to the FLSA claims asserted in that

Writer's Direct Contact
 (415) 512-4029
 (415) 644-6929 FAX
 malcolm.heinicke@nto.com

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matter, and accordingly, it has denied the pending request for conditional certification of that matter as a collective action.

The parties write now to respectfully submit that the Court in *Tsyn* has now denied a motion for interlocutory appeal of the order granting partial summary judgment, and it issued this order on April 29, 2016.

The parties also respectfully submit that because of the passage of time since the motion for preliminary approval was filed and some intervening developments, the parties plan to submit a revised, proposed notice for the settlement. Unless instructed otherwise, the parties will submit this document in the near future through the ECF system.

The parties again respectfully request that the Court address the pending motion for preliminary approval of the class and collection action settlement reached in this matter.

Please do not hesitate to contact the undersigned should you have any questions.

Respectfully submitted,

MUNGER, TOLLES & OLSON LLP

/s/ Malcolm A. Heinicke

Malcolm A. Heinicke

cc: Christopher Q. Davis (via ECF)
Kathleen McLeod Caminiti (via ECF)